

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIFTH APPELLATE DISTRICT

BRUCE BICKEL, as Trustee, etc.,

Plaintiff and Respondent,

v.

SUNRISE ASSISTED LIVING,

Defendant and Appellant.

F062443

(Fresno Super. Ct. No. 08CECG01807)

**ORDER MODIFYING OPINION
(NO CHANGE IN JUDGMENT)**

It is ordered that the opinion filed on May 21, 2012, and reported in the Official Reports (206 Cal.App.4th 1) be modified in the following particulars:

1. On page 6, the first sentence of the first paragraph beginning with the words “On September 2, 2008,” is deleted and the following sentence is inserted in its place:

On September 2, 2008, defendant filed its petition under Code of Civil Procedure section 1281.2 to compel arbitration of plaintiff’s claims pursuant to the parties’ agreement.

There is no change in the judgment.

Kane, J.

WE CONCUR:

Levy, Acting P.J.

Cornell, J.